

Mr. Throckmorton presented the petition of Horatio V. Philpot. Referred to the committee on Private Land Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to revive and continue in force, and supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5th, 1850, and the several supplemental and amendatory acts concerning said Railroad, approved November 14th, 1857.

A bill for the relief of Wiley Burns, the heirs of Robert McKinney, the heirs of Carmel Ramon, and the heirs of David Baker.

A bill to release Benjamin A. Campbell and James Ingram Nuner, minors, from the disabilities of minority.

A message was received from the House informing the Senate, that the House had passed a bill for the relief of Albert G. Walker, which originated in the Senate.

Mr. Throckmorton introduced a bill, to grant pre-emption privileges to the company conveying the United States overland mail, from Memphis and St. Louis, through Texas to San Francisco. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Potter introduced a bill, concerning party walls and division walls, fences and ditches, in common and otherwise. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Grimes introduced a bill for the relief of John Smith. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Hart introduced a bill to prevent from running at large, certain animals therein named. Read 1st and 2nd times and referred to the committee on Stock and Stock Raising.

On motion of Mr. Britton, the Senate went into committee of the whole, upon a bill for the protection of the frontier. After spending some time in the consideration of the bill, the committee arose reported progress and asked leave to sit again.

On motion of Mr. Britten, the Senate adjourned until to-morrow 10 o'clock A. M.

TUESDAY, November 29th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter, chairman of the Judiciary committee, made the following report :

The Judiciary committee have considered a bill for the relief of the heirs of A. D. Duncan, deceased, and find that the object of the bill is to validate a headright certificate, issued to the heirs of Duncan, August 21st 1853, by virtue of a decree of the District court of Red River county, and which was not presented to the Commissioner of Claims for registration and approval under the provisions of an act entitled an act to ascertain the legal claims for land and money against the State. The committee are of opinion that it was not generally thought necessary to present this class of certificates to the Commissioner of Claims for approval, and but few, if any of them were so presented although they are within the letter of the act requiring such presentation and approval. The committee think that no injury can accrue to the State, by exempting this class of certificates out of the provisions of the above named act, as they were issued by the Supreme and District courts after a regular trial, and as there are a number of such certificates in the same condition as that provided for in the bill under consideration, the committee have concluded that it would be better to provide for all of them by a general act, and therefore direct me to report a substitute for the bill and recommend the adoption of the substitute, and its passage.

On motion of Mr. Guinn, the rule was suspended, the report taken up, and the substitute adopted. Read 2nd time and ordered to be engrossed.

On motion of Mr. Hart, the rule was further suspended, bill read 3rd time and passed.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill appropriating ten thousand dollars or so much thereof as may be necessary to enable the Governor to offer rewards for fugitives from justice, as having been correctly enrolled, duly signed, and presented to the Governor for his approval.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to which was referred a bill for the relief of Nehn Soules, beg leave to report that they find from the proof and vouchers, that an unconditional certificate for 640 acres of land, was issued to said Soules, by the board of Land Commissioners of Travis county, on the 21st of November 1853, No. 143 3rd class, and that said certificate is still outstanding and unlocated, that it was placed in the hands of an agent by said heirs, who neglected to locate it or to inform

them of his failure so to do, until the time for presenting the same to the Court of Claims had expired. They therefore believe the said heirs are entitled to the relief sought in the bill, but as it is not in the form usually adopted in such cases, they beg leave to report a substitute bill, and recommend its passage.

The committee on Private Land Claims, to whom was referred the petition of the heirs of John Grogan, deceased, beg leave to report that they have examined the same, and find it in evidence, that John Grogan entered the army of Texas, on the 18th day of May, 1836, for during the war, and died in the service in August following, and that he was a married man. A majority of your committee are of opinion that in consideration of the uniform practice of the State and late Republic of Texas in past years, to issue to the heirs of such deceased soldiers a bounty of 1920 acres of land on their application, and of the fact that the heirs of most of the deceased soldiers have obtained that quantity, it is right and proper that the petition of the heirs of said Grogan for bounty land should be granted, it being they believe in accordance with the construction placed upon the law of the late Republic and the State of Texas, by all the Secretaries of War and Adjutant Generals who have issued Bounty Land Certificates. Your committee further report that though the deceased soldier John Grogan, was a married man, there being no evidence that his family ever came to the country, they are of the opinion that his children are only entitled to one-third of a league of land as his headright. They therefore offer the accompanying bill and recommend its passage. Read 1st time.

Mr. Britton offered the following resolution :

Resolved, That a joint committee of two from the Senate, and three from the House, be constituted and appointed a committee on Public Grounds and Public Buildings. Adopted.

Messrs. Britton, ————— and Townes, were appointed said committee on the part of the Senate.

A message was received from the House informing the Senate, that the House had appointed Messrs. Navarro, Taylor, Robinson, Redwine and Wrede, a committee on the part of House on the Senate's resolution, asking the appointment of a joint committee to enquire into the expediency of granting further time to the colonists of Castro's colony, to prove their claims for headrights. And had passed the following bills:

A bill for the relief of purchasers of University lands.

A bill for the relief of Hannah C. Buckner.

A bill supplementary to an act appropriating one hundred and ten thousand dollars, or so much thereof as may be necessary for

the mileage and per diem pay of the members and the per diem pay of the officers of the eighth Legislature.

On motion of Mr. Throckmorton, a bill for the relief of purchasers of University lands was taken up, read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Hart offered the following resolution :

Resolved, That the committee on Finance, be instructed to enquire into the propriety of reducing and regulating the pay of officers of both branches of the Legislature, and also of the clerks of the different departments of the State Government, and report by bill or otherwise. Adopted.

Mr. Whaley offered the following resolution :

Resolved, That the committee on printing be instructed to inquire into the expediency of passing a law requiring the advertising of sheriff's and other sales required by law, in the newspaper of the county or district in which it is published, and report by bill or otherwise. Adopted.

Mr. Scarborough introduced the following bills :

A bill for the benefit of the heirs of Tomas Sanchez, and a bill for the benefit of Jose Sanchez, a minor, which were severally read 1st and 2nd times and referred to the committee on the Judiciary.

Messrs. Grimes and Hyde, from the committee on Private Land Claims, made the following report :

The undersigned minority of the committee on Private Land Claims beg leave to dissent from the majority, on a bill for the relief of the heirs of John Grogan, and say that the law under the facts of the case proven and stated in the report of the majority, shows conclusively to the minds of the minority, that the applicants are only entitled to 960 acres of bounty land, instead of 1920 acres. We think, taking all the laws together and to give them the proper construction, that the heirs are entitled to 640 acres for John Grogan dying in the service, and 320 acres for the service of three months to wit: from the 18th of May, to 21st of August, 1836, as stated in the report. The minority refer the Senate to the land law passed on the 4th of December, 1837, and all other acts that have any bearing upon bounties, and hope the Senate will decide what is the true construction and what ought to be the amount of land granted in such cases.

All of which is respectfully submitted.

The following message was received from the Governor :

EXECUTIVE OFFICE,
AUSTIN, Nov. 28th, 1859 } .

Gentlemen of the Senate and

House of Representatives :

In the hurry of preparation incident to the meeting of the Legislature, I necessarily omitted any specific suggestions in regard to the three charitable institutions, located in the immediate vicinity of this place. I deem the subject of sufficient importance to do so at this time in view of their present condition, and that of the State to supply their present and future wants, for which there is no ready means at command nor likely to be hereafter from existing sources of revenue. An act making an appropriation of fifty thousand dollars for the support and direction of a Lunatic Asylum, was approved August 28th, 1858, by authority of which a contract for its construction has been let covering the appropriation, but according to the plan of the building adopted by the preceding administration, there will be required not less than four or five times that amount for its final completion. With the appropriation of the last session an institution for the blind has been erected, and is now occupied as such, but with a very moderate increase of the number of pupils the next year, additional room will be required for their accommodation.

The Deaf and Dumb, continue to occupy the buildings on the site purchased by authority of the act approved 26th August, 1856. These buildings are but temporary and must soon be replaced by others of a more substantial character and better fitting the purposes of the institution. By act of 30th August, 1856, there was set apart one hundred thousand acres of land for the benefit of the Lunatic Asylum, and a like amount for the Deaf and Dumb and Blind institutions. The current annual expenses of these institutions alone, after they shall have been completed and put in successful operation, will in a very few years involve a charge on the State, varying perhaps from twenty to fifty thousand dollars, if not otherwise provided for. I therefore recommend an additional appropriation of land for each of these objects, which in addition to that already appropriated, will insure an ample fund for all the purposes of construction and the investment of the remainder, a sufficient interest to cover their ordinary annual expenses hereafter. The more valuable portion of the public domain is fast passing away, and it is surely the part of good policy, to appropriate whatever may be required to these useful objects, which if left unprovided for, must eventually be supplied from the ordinary sources of revenue. The lands

belonging to these institutions have been located for several years, and if judicious selections have been made, it is presumed may be sold in sufficient quantities and on fair terms within the next two years, by which means may be raised to further the construction of the necessary buildings, and eventually carry out the objects intended. That of the Lunatic Asylum, is in my judgment an undertaking of such magnitude as to make this or some similar measure absolutely necessary at this time, if it is intended ever to perfect the present plan and give the unfortunate of our State the full benefits of its usefulness. The interests of the institution can not suffer by the sale of a part or even the whole of the lands set apart to it especially, if sufficient provision be made to meet future contingencies.

H. R. RUNNELS.

Which, on motion of Mr. Britton, was referred to the committee on Education.

Mr. Guinn, from the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred the petition of E. McLean for relief, have considered it and find from the proof, that the relief ought to be granted, and have instructed me to report the accompanying bill for his relief and ask that it pass. A bill for the relief of Ephraim McLean. Read 1st time.

ORDERS OF THE DAY.

A bill amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company. Read 2d time.

Mr. Potter offered the following amendment :

Insert the following as section four:

“SECTION 4. Said company shall have the right and is hereby required to connect its railway with the railway of the Galveston, Houston and Henderson Railroad Company, so that locomotives cars and trains can conveniently and at all times pass from one of said railways to the other; which connection shall be made and completed within six months from the completion of the Railway of the Texas and New Orleans Railroad company, between the city of Houston and the Trinity River; and shall be within the corporate limits of the city of Houston; and for the purpose of forming and continuing such connection, said Texas and New Orleans Railroad company is hereby authorized and empowered to construct, own, maintain and operate its said Railway in and over any street or streets or public highway in said city of Houston, which may be necessary or convenient for the ac-

complishment of said object, said company being required to so construct said road as not to improperly or unnecessarily obstruct or incommode such street or highways for use as common public highways."

Mr. Gentry offered the following amendment to the amendment of Mr. Potter:

"Provided the Galveston, Houston and Henderson Railway company and all other railroad companies, be authorized and required to connect with the Texas and New Orleans Railroad company's Railroad and be required to pay one-half the expense of making each of said connections through the city of Houston."

On motion of Mr. Hebert, the bill and amendments was referred to the committee on Internal Improvements.

On motion of Mr. Stockdale, the resolution of the House to go into the election of U. S. Senator was taken from the table.

Mr. Stockdale moved to strike out Friday and insert "to-morrow the 30th inst., at 12 o'clock M." Carried.

The question then being upon the adoption of the resolution was put and carried.

A bill to incorporate the Air-line Railroad Company. Read 2d time, amendments adopted, and on motion of Mr. Herbert laid on the table.

Report of the Judiciary committee on a bill to repeal the sixth section of an act entitled an act concerning the proceedings in the Supreme Court, approved February 11th, 1859.

On motion of Mr. Potter, laid on the table.

A bill to amend the 4th section of the act May 12th, 1846, entitled an act to regulate the license and practice of Attorneys and Counsellors at Law. Read 2d time and ordered to be engrossed.

A bill for the relief of Joseph Turner. Read 2d time and ordered to be engrossed.

On motion of Mr. Walker, the rule was suspended, bill read 3rd time and passed.

A bill to amend the sixth and seventh sections of an act entitled an act regulating sequestrations, approved 15th March, 1848. Read 2d time and ordered to be engrossed.

Mr. Britton introduced a bill for the better protection of Stock and Stock raisers. Read 1st and 2nd times and referred to the committee on Stock and Stock Raising.

A bill for the relief of Lewis David. Read 3rd time and passed.

A bill for the relief of James Herndon. Read 3rd time and passed.

A bill for the relief of Wiley Burns, the heirs of Robert M. McKirney, the heirs of Carmel Ramon, and the heirs of David Barlow. Read 3rd time and passed.

A bill to release Benjamin A. Campbell and James Ingram Nuner from the disabilities of minority.

Mr. Potter moved to amend by adding the name of "Francis Lewis of Galveston." Carried; bill read 3rd time and passed.

On motion of Mr. Herbert, the Senate adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, November 30th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Duggan presented the petition of J. W. Vickory, for relief. Referred to the committee on Claims and Accounts.

Mr. Townes presented the petition of James Rogers, for money. Referred to the committee on Claims and Accounts.

Mr. Walker presented the petition of E. S. Terrell for relief. Referred to the committee on Private Land Claims.

Mr. Throckmorton presented the petition of W. P. Tindall for land. Referred to the committee on Private Land Claims.

Mr. Herbert, chairman of the committee on Roads, Bridges and Ferries, to whom was referred the petition of Mrs. Sarah C. Cocknell, reported the accompanying bill and recommended its passage.

A bill to incorporate the Dallas Bridge Company. Read 1st time.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of William Kelly, reported the bill back and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred a bill for the relief of Jacob Laux, have had the same under consideration, and instruct me to report the accompanying bill as a substitute, and recommend its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill for the relief of Joseph Thompson, reported the bill back and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill, for the relief of George W.